

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ROBBIE D. JONES,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1523-JJF
	)	
COMMISSIONER STAN TAYLOR,	)	
WARDEN RICK KEARNEY,	)	
SGT. BARRY BILES, and TIANA <sup>1</sup>	)	
BANKS,	)	
	)	
Defendants.	)	

**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME**

1. Robbie Jones ("Plaintiff") is an inmate incarcerated and under the supervision of the Delaware Department of Correction ("DOC") and housed at the Sussex Correctional Institution ("SCI") in Georgetown, Delaware.

2. Robbie Jones ("Plaintiff") initiated this action pursuant to 42 U.S.C. § 1983 by filing a Complaint and Motion to Proceed *In Forma Pauperis* with the Court on December 16, 2004. Plaintiff named Commissioner Stan Taylor, Warden Rick Kearney, Sergeant Barry Biles and Correctional Officer Tiana Banks as defendants. ("Defendants") (Complaint, *passim*). (D.I. 2).

3. On or about June 9, 2006, Defendants Kearney, Biles and Banks filed an Answer. (D.I. 16). On or about June 14, 2006, Defendant Taylor filed a Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) for Failure to State a Claim. (D.I. 17). On or about December 7, 2006, in a Memorandum Opinion, Defendant Taylor's Motion to

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<sup>1</sup> Improperly named as "Teanna" in the Complaint.

Dismiss was granted in part and denied in part. (D.I. 21). Claims for monetary damages against Defendant Taylor in his official capacity were dismissed. (D.I. 22). On or about February 23, 2007, a Scheduling Order was issued setting the dispositive motion deadline for August 13, 2007. (D.I. 24).

4. Due to the press of other litigation and long planned summer vacations, counsel is not able to file a dispositive motion within the time required. Counsel has been informed that one of the DOC personnel involved in the case is on vacation, necessitating this request for an enlargement of time. Counsel respectfully requests an enlargement of time of one (1) week from the August 13, 2007, deadline for filing a dispositive motion until on or before August 20, 2007.

5. This is Defendants first request for an extension of time for filing a dispositive motion.

6. There is no trial date scheduled in this case.

7. A form of order is attached to this motion that will grant Defendants a one (1) week extension from August 13, 2007, until on or before August 20, 2007, for the filing of a dispositive motion.

WHEREFORE, Defendants respectfully request that this Honorable Court grant the Motion and enter an Order, substantially in the form attached hereto, enlarging Defendants' time to file a dispositive motion until on or before August 20, 2007.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos  
Stacey Xarhoulakos, ID#4667  
Deputy Attorney General  
Department of Justice  
820 N. French St., 6<sup>th</sup> Floor  
Wilmington, DE 19801  
(302) 577-8400  
stacey.xarhoulakos@state.de.us

*Attorney for Defendants*

Dated: August 13, 2007

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FOR THE DISTRICT OF DELAWARE**

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Plaintiff,	)	
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COMMISSIONER STAN TAYLOR,	)	
WARDEN RICK KEARNEY,	)	
SGT. BARRY BILES, and TIANA	)	
BANKS,	)	
	)	
Defendants.	)	

**16.5 CERTIFICATION**

In compliance with Local Rule of Civil Procedure 16.5, counsel for Defendants making the request for an extension of time files this certification and states:

I certify that I have sent a copy of the request for an extension of time to file a dispositive motion to Defendants.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos  
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Deputy Attorney General  
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COMMISSIONER STAN TAYLOR,	)	
WARDEN RICK KEARNEY,	)	
SGT. BARRY BILES, and TEANNA	)	
BANKS,	)	
	)	
Defendants.	)	

**CERTIFICATION OF COUNSEL**

The undersigned counsel hereby certifies, pursuant to Rule 7.1.1 of the Local Rules for the District of Delaware, that:

1. Plaintiff is an inmate incarcerated at the Sussex Correctional Institution in Georgetown, Delaware.
2. Plaintiff is not able to be reached by telephone; therefore, counsel for Defendants has spent no time in attempting to reach an agreement on the subject of the Motion for Enlargement of Time.
3. The undersigned counsel assumes that the Motion is opposed.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

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Dated: August 13, 2007

***CERTIFICATE OF SERVICE***

I hereby certify that on August 13, 2007 I electronically filed *Defendants' Motion for Enlargement of Time* with the Clerk of Court using CM/ECF. I hereby certify that on August 13, 2007, I have mailed by United States Postal Service, the document to the following non-registered participant: Robbie D. Jones, SBI #313356, Sussex Correctional Institution, P.O. Box 500, Georgetown, DE 19947.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Stacey Xarhoulakos  
Stacey Xarhoulakos, ID#4667  
Deputy Attorney General  
Department of Justice  
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